REMARKS

Claims 4 and 13 - 19 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1, 3 - 18, 20 and 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Jauregui. Claims 2 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jauregui in view of Martin et al.

The Examiner's review is appreciated. In view of the above amendment and following remarks, the Examiner is respectfully requested to reconsider the outstanding objections and rejections and allow the present application to issue.

The applicant, Andrew Berglund, and his representative, Albert Watkins, participated in a telephonic interview with Examiner Sterling on October 6, 2006. No agreement was reached with regard to any of the claims. Claim 1 and the Jauregui and Martin et al references were discussed. Examiner Sterling provided guidance to the applicant and his representative, and with that guidance in mind, the present amendment and remarks have been crafted. The Examiner's assistance provided is most appreciated.

With regard to the outstanding rejection of claims 4 and 13 - 19 under 35 U.S.C. §112, second paragraph, as being indefinite, the recitations to "hand cup" in claims 4 and 15 have been changed by the present amendment to "palm rest". With regard to claim 13, the language the Examiner referenced has been deleted.

With regard to the outstanding rejections of claims 1 - 19 under 35 U.S.C. §102(b) and 35 U.S.C. §103(a), the Examiner is respectfully requested to reconsider these rejections in view of the present amendments to claims 1, 10 and 13. With regard to independent claim 1, instead of the previous "means for variably setting a resistance" this claim now recites the new language: ". . . a first force-creating member securely engaging said base and engaging a first force responsive bushing between said base support and said first support member operative to variably set a steady resistance to said first axis pivotal motion while simultaneously permitting motion, to thereby dampen said tremors . . .." Support for the "force-creating member" language comes from the specification on page 9 in line 18, which states: "...as the force created by tightening these set screws 31 - 33 is increased, the brass tip provides increased resistance to motion," and

on page 10 in lines 5 - 11, which identifies the combination of components illustrated in Figure 2 using arm 46 turning bolt 48 to tighten collar 42 and block 40 about brass washer 44 as an alternative to set screws 31 - 33. Support for the "force responsive bushing" language comes from page 9, lines 14 - 18, which states: "Within support member 14 is a set screw 31 of special construction and for special purpose. This set screw 31, along with set screws 32 and 33, has a force responsive bushing formed on the end thereof. In the preferred embodiment, this force-responsive bushing is fabricated as a brass tip which engages with rod 12 . . . as the force created by tightening these set screws 31 - 33 is increased, the brass tip provides increased resistance to motion."

The Jauregui patent describes each of the means for variably setting a resistance that the Examiner has identified (1, 23, 28, and 31) as simple locking devices, which are either loose or locked, but not which are used to set resistance **during** translation. Instead, ordinary materials for creating the joints referred to therein would exhibit dry-friction dynamics referred to as stick-slip friction. What this means is that a person attempting to adjust the Jauregui patent to provide a steady resistance would be unable to do so. Instead, the apparatus would unpredictably bind (stick) and release (slip) during movement, creating or emphasizing tremors rather than dampening tremors. There is no teaching or suggestion therein of variably setting a steady resistance while simultaneously permitting motion, nor is there any teaching or suggestion of either a force-responsive bushing or other means for providing controlled resistance to dampen tremors. Amended independent claim 10 now also recites: ". . . a force-creating member engaging a force responsive bushing and operative thereby to variably set a steady resistance to said translating, to effectively dampen muscle tremors during said suspending and translating . . .." Amended claim 13 now similarly recites: ". . . force-creating member securely engaging said pivotal member and engaging a force responsive bushing operative to variably set a steady a resistance to said pivotal motion which simultaneously permits said pivoting and varies said pivotal resistance, to permit resistance to be varied to different needs of individual users."

The Martin et al patent does not provide any teachings or support which is beneficial.

Instead, the Martin et al patent simply teaches the use of a brass-tipped screw "to prevent galling against the pump head" in a pump head quick connect assembly. The Martin et al patent simply has no teachings nor suggestions of benefit to those working in the field of the present invention, nor to the apparatus of Jauregui. Since each of the independent claims 1, 10 and 13 now recite apparatus which vary resistance during movement to permit a person's tremors to be controlled effectively, and since the Jauregui and Martin et al patents are silent on this point, the Examiner is respectfully requested to reconsider the present rejection of record and allow the present application to issue as a patent.

In response to a suggestion that the Examiner made during the interview, a proposed drawing sheet including new Figure 4 is enclosed herewith, together with the appropriate amendment to the "Brief Description of the Drawings."

With regard to claims 20 and 21, the Examiner is respectfully requested to reconsider the present rejection of these claims by Jauregui. The "elbow pad (15)" that the Examiner references in the outstanding office action is in fact a shoe (page 1, lines 79 - 87). Contrary to the Examiner's suggestion in the outstanding rejection, the shoe is neither extendible from the armrest, nor is the elbow pad independently pivotal about each of the L-shaped rods, wherein the longitudinal extension of a first one of the rods while a second one remains anchored effectuates pivotal motion about the elbow pad about a fifth axis. Consequently, reconsideration of this rejection is respectfully requested.

No new matter is introduced by the present amendment. However, should there remain any open issues in this application which might be resolved by telephone, the Examiner is respectfully requested to call the undersigned at 320-363-7296 to further discuss the advancement of this application.

Sincerely,

Albert W. Watkins
reg. 31,676